

## CIVIL DOCKET

JUDGE A. SHERMAN CHRISTENSEN

72-C-89  
(consolidated with  
72-C-18)

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

6012 Fed. Bldg., Salt Lake City, Utah 84101

TITLE OF CASE		ATTORNEYS					
THE TELEX CORPORATION and TELEX COMPUTER PRODUCTS, INC.,  Plaintiffs,  vs.  INTERNATIONAL BUSINESS MACHINES CORPORATION,  Defendant.		For plaintiff:  Floyd L. Walker 584-4136 405 Mayo Bld. Tulsa, Okla. 74103  John E. Barry 585-5711 First National Bldg. Tulsa, Okla. 74103  Richard B. McDermott 587-0145 N.B.T. Bldg. Tulsa, Okla. 74103  Larry Harrel 405 Mayo Bldg. Tulsa, Okla. 74103  For defendant:  Truman B. Rucker 587-3361 Paul McBride Rucker, Tabor, McBride & Hopkins P.O. Box 1439 Tulsa, Oklahoma 74101  Thomas Barr 1 Chase Manhattan Plaza New York, N.Y. 10005  Charles Waygood 299 Park Ave. New York, N.Y. 10017					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 4-1-72	Clerk	3-15-72	F. Walker	15.00			
		3-16-72	C.D.No.41		15 00		
J.S. 6 mailed 11-1-75	Marshal						
Basis of Action: Violation of Sherman Act.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-15-72	Complaint filed and Summons issued. v	
3-16-72	Plaintiff's Request for Permission to Obtain Discovery, filed. v	
3-16-72	Request of the Pltf. for Deft. to Produce Documents under rule 34, filed. v -copies of above two pldgs. to Marilyn.	
3-16-72	Notice to take depositions of RICHARD A. WHITCOMB on 3-23-72, filed. v	
3-16-72	Notice to take depositions of OTIS PAGE on 3-23-72, filed. v	
3-21-72	It is ordered that this case is hereby set for informal hearing on Tuesday, March 28, 1972 at 10:00 A.M. (AEB-J)h	
3-27-72	Memorandum Brief in Regard to Preliminary Injunction (by Plaintiff) filed. js	
3-27-72	U.S. Marshals Service, Return on Subpoena, filed. Served Otis Page on 3-20-72 in Santa Clara, Calif., with fees of \$14.52. v	
3-27-72	U.S. Marshals Service, Return on Subpoena, filed. Served Richard A. Whitcomb in San Francisco, Calif., on 3-20-72, with fees of \$3.48. v	
3-27-72	U.S. Marshals Service, Return on Temp. Restraining Order and Summons, filed. Served I.B.M. in Okla. City, Okla., on 3-17-72, with fees of \$6.00. v	
3-28-72	Informal Hearing held. Parties present and represented. New attorneys admitted to this bar for this case only. Deft. is given 10 days to file motions. Court orders Telex, by the request of I.B.M., not to destroy any materials. Deft. is to prepare the orders. Pltf. is given 5 days to amend complaint. Case to be set at later date, re: temporary injunction which is to be determined by Multi-District Litigation. (AEB-J)v	
3-29-72	Order that Telex, etc., et al and I.B.M., shall not destroy all documents, etc., filed. (AEB-J)v -copies mailed.	
3-29-72	Transcript of proceedings had on 3-28-72 informal hearing, filed. hm	
3-31-72	Plaintiff's amendment to complaint, filed. ds	
4-3-72	Defendant's demand for documents pursuant to Rule 34, filed. ds	
4-5-72	Plaintiffs' Request for Documents Pursuant to Rule 34, filed. v	
4-7-72	Motions by the Deft., I.B.M. Corp., with brief, filed. v	
4-7-72	Ordered by the Court that Plaintiff is granted 10 days from this date to respond to Motions by Deft. I.B.M. Corp., to Dismiss and etc. (AEB-J)v	copies mailed to Walker, McDermott & Ruckelshaus
4-7-72	Order, filed, setting out items which may be exempt from previous order of 3/29/72. (AEB-J) rm - copies mailed to pltf. atty. def. attorney picked up their copy)	
4-10-72	Plaintiff's memorandum in support of granting protective order, filed. ds	
4-10-72	Plaintiff's notice of availability of documents demanded by defendant pursuant to Rule 34; and plaintiff's request for protective order, filed. ds	
4-17-72	Response to Deft.'s Motion to Dismiss, Abate, Stay Proceedings, Consolidate or Transfer Pltf.'s Action, filed. v	
4-17-72	Protective order and stipulation, filed. (AEB-J) rm - copies mailed	by Ruckelshaus
4-18-72	Amendment to Protective Order and Stipulation, filed. (AEB-J)v	copies mailed
5-8-72	Notice by pltf. to take depositions of Otis Page in Calif. on 5/18/72, filed. rm	
5-8-72	Notice by pltf. to take depositions of Richard Whitcomb in Calif. on 5/19/72, filed. rm	
5-11-72	C/C of Conditional transfer order of Judicial Panel on Multidistrict Litigation, transferring case to USDC, District of Minnesota, for pretrial proceedings, filed. Original record and c/c of docket sheet transmitted to that Court. hm	
5-24-72	Subpoenae, ret. & filed: served Otis Page, Santa Clara, Cal. 5-15-72, and Richard A. Whitcome, San Francisco, 5-18-72. (USM \$18.96)g	

~~JUDGE BARROW~~  
JUDGE CHRISTENSEN

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-5-73	Ordered by the Court that this case is now transferred to the Honorable A. Sherman Christensen, as of this date. (AEB-J)v	
1-5-73	It is ordered that this case is set for final pre-trial hearing on Tuesday, Feb. 20, 1973 at 10:00 A.M. before Judge A. Sherman Christensen, Senior U.S. Judge, USDC for the Dist. of Utah. (AEB-J)v	noticed mailed 1-10-73.
1-15-73	Telex's Designation of Trial Witnesses, filed. v	
1-16-73	Attorneys Affirmation of Service with Notice of Witnesses to be Deposed by IBM, attached, filed. v	
1-17-73	Notice to take depositions of Gideon Gartner in NY on 2/5/73 by pltf., filed rm	
1-17-73	Notice to take deposition of Allen Rosenfeld in NY on 2/9/73 by pltf., filed. r	
1-17-73	Notice to take deposition of Gary Schneider in NY on 2/7/73 by pltf., filed rm	
1-22-73	Answer to amended consolidated complaint and counterclaims, filed with exhibits 1A,1B,1C,2A,2B,2C,3C,4C,5C,6A,6B,6C,7A,7B,8C,10A,10B,10C,11C,12A,12B,12C,13C,14C,15A. jj (in separate carton)	
1-22-73	Attorneys' affirmation of service, filed, jj	
1-22-73	Additional attys affirmation of service, filed. rm	
1-26-73	Notice of Deposition of Henry A. Belcik in Tulsa, Okla., on 2-27-73, by the Deft., I.B.M., filed. v	
1-26-73	Notice of Deposition of the witness Bruce Swearingen, in Tulsa, Okla., on 2-5-73, by the Deft. I.B.M., filed. v	
1-31-73	Subpoena ret. & filed: served Henry A. Belcik, Tulsa, 1-29-73. (USM\$ 5.36)g served Bruce Swearingen, Tulsa, 1-29-73. (USM \$2.00)g	
2-2-73	Interrogatories addressed to pltfs. (experts), filed. rm	
2-2-73	Attys affirmation of service of above, filed. rm	
2-2-73	Notice to take dep. of Gideon Gartner in N.Y. on 2/14/73 by pltf., filed. rm	
2-5-73	Pltfs. First set of interrogatories to defendant, filed. jj	
2-5-73	Interrogatories regarding defts. experts, filed. jj	
2-6-73	Notice of Deposition, filed by Deft., I.B.M., to be taken 2-19-73, in New York, of the person-BERTON M. HOCHFELD, with the designation of materials to be produced attached to this notice. v	
2-6-73	Notice of Deposition of F. EBERSTADT & CO., INC., in New York, on 2-16-73, with the designation of materials to be produced attached to this notice, filed. v	
2-7-73	Subpoena, ret. & filed: served James F. Way, Jr., K.C. Mo. 1-24-73. (USM \$4.28)g	
2-8-73	Notice of Mot. to Compel Pltfs to specify the Documents they destroyed during this litigation, w/ affidavit of David Boies, filed. jj	
2-8-73	Notice to take depositions of ALAN ROSENFELD in New York on 2-16-73 and to produce documents set out on the attachment, filed. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-8-73	Notice to take deposition of GARY SCHNEIDER in New York on 2-16-73 and to produce documents set out on the attachment, filed. v	
2-12-73	Telex's Objections to Rule 31 Depositions (IBM Census) filed. js <i>(by Order of Judge Christen)</i>	
2-12-73	Pltf's Motion for Ext. of Add. time within which to move respecting or answer the counterclaims of the deft., and for add. time to plead or Reply to Deft's Answer w/BRIEF in support, filed. r <i>Mulder to Jo. w/3rd day</i>	
2-12-73	Notice of Mtn. for order Shortening Time Within Which to Ans. Interrog. and to Compel Compliance w/Pretrial Order No. 12, filed. jj	
2-12-73	Mtn. for Order Shortening Time Within Which to Ans. Interrog., filed. jj	
2-12-73	Brief in Support of Pltfs.' Mtn. for Order Shortening Time Within Which to Ans. Interrog., filed. jj	
2-12-73	Pltfs.' Second Set of Interrog. to Deft., filed. jj	
2-14-73	Notice of motion to prohibit taking of deposition and for protective order under the provisions of Rule 30(d) and Rule 26(c) filed. ds	
2-13-73	Mot. for Separate Trial of Deft.'s Counterclaims, filed by Pltf. v	
2-13-73	Brief in support, filed. v	
2-13-73	Mot. to prohibit taking of deposition and for Protective order under the Provisions of Rule 30(d) and Rule 26(c), filed. v	
2-13-73	Brief in support, filed. v	
2-14-73	Pltf's. Response to Deft's. Mtn. Regarding Alleged Destruction of Documents, filed. jj	
2-15-73	Deft's. Notice of Depositions of James, Porter, Gratton, Williams & Taylor, filed. jj	
2-15-73	Deft's. Notice of Deposition of Richard A. Whitcomb, filed. jj	
2-15-73	Telex's Third Set of Interrogatories, filed. jj	
2-15-73	Telex's Requests for Admissions Numbered 35 to 535, Inclusive, filed. jj <i>(7 pages of app. No. 1-488 in Enclosure)</i>	
2-16-73	IBM memorandum in support of its motion to compel plaintiffs to specify the documents they destroyed during the pendency of this litigation, filed. ds	
2-16-73	Interrogatories addressed to Plaintiffs, filed. ds	
2-16-73	Defendant's requests for admissions, filed. ds	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-20-73	Attorneys affirmation of service, filed. jj	
2-20-73	Affidavit of Truman B. Rucker, filed. jj	
2-20-73	IBM's list of trial witnesses, filed. jj	
2-20-73	Memorandum in support of IBM's motion to compel discovery, filed. jj	
2-20-73	Affidavit of David Boies in support of IBM's motion to compel discovery, filed. jj	
2-20-73	Notice of motion and motion to compel discovery, filed. jj	
2-20-73	Affidavit in opposition to Telex's motion to prohibit taking of deposition and for protective order, filed. jj	
2-20-73	IBM's motion to compel discovery, filed. jj	
2-20-73	Attorney's affidavit of service, filed. jj	
2-20-73	Affidavit of Thomas D. Barr, filed. jj	
2-20-73	Defendant's objections to plaintiffs' second set of interrogatories, filed. jj	
2-20-73	Affidavit of Thomas D. Barr, filed. jj	
2-20-73	IBM Memorandum in opposition to Telex's motion for a separate trial of IBM's counterclaims, filed. jj	
2-20-73	Motion to compel plaintiffs to specify the documents they destroyed during this litigation, filed. jj	
2-20-73	Attorneys affirmation of service, filed. jj	
2-20-73	Affidavit of Ronald A. Skoller, filed. jj	
2-20-73	Telex' Response to IBM's Motion to Compel Discovery, filed. jj	
2-20-73	Telex's designation of trial exhibits and charts, filed.	
	Two volumes of exhibits and charts filed in 72-C-18.	
2-20-73	Pre-trial hearing held. Case heretofore consolidated in District of Minnesota with 72-C-18. See that docket sheet for further entries. (ASC-J)hm	
9-17-73	Findings of fact and conclusions of law, filed. (ASC-J)hm	
9-17-73	Judgment and decree, filed and entered. (ASC-J)hm	
11-10-73	Amendments to findings of fact, filed. hm	
11-10-73	Amendments to conclusions of law, filed. hm	
11-10-73	Amended judgment and decree, filed and entered. (ASC-J)hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-3-75	Stipulation of dismissal with prejudice that action by pltfs. against defs., including, without limitation, all claims therein, including heretofore severed claims, are dismissed with prejudice and without costs, filed. rm	
10-3-75	Release and satisfaction by IBM of judg. on appeal against Telex, filed. rm	